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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,172	03/25/2004	Timothy S. Pack	MS1-3990US	6811
22801 7590 09/08/2009 LEE & HAYES, PLLC 601 W. RIVERSIDE AVENUE SUITE 1400 SPOKANE, WA 99201				
EXAMINER LOVEL, KIMBERLY M				
ART UNIT 2167		PAPER NUMBER		
NOTIFICATION DATE 09/08/2009		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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lhptoms@leehayes.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte:* TIMOTHY S. PAEK, SUSAN T. DUMAIS & RONALD K.  
LOGAN

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Application No. 10/809,172  
Technology Center 2100

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Mailed: September 4, 2009

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Before DEBORAH L. PERRY, *Supervisory Paralegal Specialist, Review Team.*

**ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER**

This application was electronically received by the Board of Patent Appeals and Interferences on August 17, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter requiring attention prior to docketing.

SUPPLEMENTAL EXAMINER'S ANSWER

The Supplemental Examiner's Answer, mailed May 1, 2009, is deficient because, a review of the Supplemental Examiner's Answer finds a that there were New Ground(s) of Rejection introduced. When a new Ground of Rejection is introduced in the Examiner's Answer a listing of any new grounds of rejection (prominently identified, eg., a separate heading with all capitalized letters) must be included and the new ground of rejection should immediately follow.

APPROVAL BY TECHNOLOGY CENTER DIRECTOR

The Supplemental Examiner's Answer, mailed May 1, 2009, is deficient, because it was not signed by the Technology Center Group Director or his designee. Section 1207.05 Of the Manual of Patent Examining Procedure (MPEP) (Eighth Edition, Rev. 3, August 2005), states that "[e]very supplemental examiner's answer must be approved by a Technology Center (TC) Director or designee." Correction is required.

The Examiner's may use a PTOL-90 providing the required signatures only, rather than re-mailing the entire Examiner's Answer and restarting the response period, if appropriate.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner for:

- 1) to vacate the Supplemental Examiner's Answer dated May 1, 2009, and issue either a Corrected Supplemental Examiner's Answer with the required signature of the Technology Center Director or his designee; and
- 2) any other action as may be deemed appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

DLP/jsd

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